

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **Ajax Paving Industries Inc v Tenmile Creek Excavating LLC**
Docket No. **286914**
L.C. No. **07-713607-CK**

Christopher M. Murray, Chief Judge Pro Tem, acting under MCR 7.203(F)(1) and 7.216(A)(10), orders:

The claim of appeal from the July 16, 2008 order is **DISMISSED** for lack of jurisdiction because the count regarding contractual attorney fees was still pending when appellant filed its appeal. MCR 2.604(A), MCR 7.202(6)(a)(i), and MCR 7.203(A)(1).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

SEP - 3 2008

Date

Sandra Schultz Mengel
Chief Clerk